

ESTTA Tracking number: **ESTTA54084**

Filing date: **11/18/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

### **Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

#### **Opposer Information**

<b>Name</b>	NGK Spark Plug Co., Ltd.
<b>Granted to Date of previous extension</b>	11/26/2005
<b>Address</b>	14-18 Takatsuji-Cho, Mizuho-Ku Nagoya City, JAPAN

<b>Domestic Representative</b>	Lawrence E. Abelman Abelman, Frayne & Schwab 666 Third Avenue New York, NY 10017-5621 UNITED STATES sjquigley@lawabel.com Phone:212-949-9022
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#### **Applicant Information**

<b>Application No</b>	78437619	<b>Publication date</b>	09/27/2005
<b>Opposition Filing Date</b>	11/18/2005	<b>Opposition Period Ends</b>	11/26/2005
<b>Applicant</b>	Analytical Graphics, Inc. 220 Valley Creek Blvd. Exton, PA 193412380		

	UNITED STATES
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### **Goods/Services Affected by Opposition**

<p>Class 009.</p> <p>All goods and services in the class are opposed, namely: Computer software for space system engineering applications, namely, navigation analysis, satellite system analysis and the analysis of vehicle paths for satellites, aircraft, ships, missiles and terrestrial objects</p>
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<b>Attachments</b>	Oppos. NTK1.pdf ( 4 pages )
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<b>Signature</b>	/sjq/
<b>Name</b>	Stephen J. Quigley
<b>Date</b>	11/18/2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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NGK SPARK PLUG CO., LTD.,

Opposer,

v.

ANALYTICAL GRAPHICS, INC.,

Applicant.

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Serial No.: 78/437,619

**NOTICE OF OPPOSITION**

NGK Spark Plug Co., Ltd., a corporation organized and existing under the laws of Japan, with an address at 14-18 Takatsuji-Cho, Mizuho-Ku, Nagoya City, Japan ("Opposer"), believes that it will be damaged by the registration of the alleged mark NTK, Application No. 78/437,619 filed on June 18, 2004 ("Applicant's Mark") by Analytical Graphics, Inc., a corporation organized and existing under the laws of Pennsylvania, with an address at 220 Valley Creek Boulevard, Exton, Pennsylvania 19341-2380 ("Applicant") for the goods "computer software for space system engineering applications, namely, navigation analysis, satellite system analysis and the analysis of vehicle paths and satellites, aircraft, ships, missiles and terrestrial objects" in International Class 9. This application was published on September 27, 2005. Opposer, as a result, hereby opposes the registration of Applicant's Mark.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the mark NTK ("Opposer's Mark") which has been

continuously used in commerce in the United States long prior to the filing date of the opposed application in connection with goods that are used in computers and telecommunications products. By virtue of the distribution, sale, advertising and promotion of products bearing Opposer's Mark, this mark is widely recognized by the purchasing public as identifying Opposer's goods.

2. Opposer owns the following United States Patent and Trademark Office trademark registrations:

<u>Mark</u>	<u>Reg. No.</u>	<u>Goods</u>
NTK	1,466,178	Electric spark unit used to ignite high density city gas, in Intl. Class 7.  Integrated circuits, ceramic dual in-line packages (cerdips), electronic ceramic filters, ceramic audio tone transducers, electronic transducers for use in wave transmitters and receivers for underwater and aerial communications, and electronic oxygen sensors for use in analyzing automobile exhaust emissions, in Intl. Class 9.  Piezoelectric igniters for use in gas ranges and stoves, in Intl. Class 11.
NTK	1,816,736	Dielectric substrate, microwave capacitor, piezoelectric rubber sheet, piezoelectric wiring, piezoelectric buzzer, piezoelectric speaker, piezoelectric buzzer diaphragm, diaphragm element for tweeter, bimorph, knock sensor, temperature sensor, in Intl. Class 9.
NTK	2,316,561	Apparatus for measuring nitrogen oxide concentration in air or gas; apparatus for measuring nitrogen oxide concentration, oxygen concentration and air/fuel ratio in the exhaust gas from internal combustion engines, boilers, incinerators, gas turbines, generators and fuel cells, in Intl. Class 9.
NTK	2,643,980	Batteries for electric and electronic apparatus and their

accessories, namely battery boxes, battery chargers and adapters, in Intl. Class 9.

3. Applicant's Mark is identical to Opposer's Mark.

4. The goods in Applicant's Mark are capable of being used in conjunction with the goods in Opposer's Mark.

5. The goods in Applicant's Mark are capable of being marketed through the same channels of trade to the same classes of prospective purchasers as the goods in Opposer's Marks.

6. Because Opposer's use of Opposer's Mark in commerce predates the intent to use filing date for Applicant's Mark, there is no issue of priority in this proceeding.

7. Applicant's Mark is confusingly similar to Opposer's Mark, and its use and registration is likely to deceive and to cause mistake or confusion among members of the public as to the source of Applicant's goods within the meaning of 15 U.S.C. §1052(d).

8. As a direct result of the long, continuous and extensive use of Opposer's Mark, this mark has become famous. Applicant's use and registration of its alleged NTK mark will dilute the distinctive quality of Opposer's Mark within the meaning of 15 U.S.C. § 1125(c).

9. As a result of the foregoing, Opposer will be damaged within the meaning of 15 U.S.C. §1063.

WHEREFORE, Opposer prays that this opposition be sustained and that registration of Application Serial No. 78/437,619 be denied.

Dated: November 18, 2005

Respectfully submitted,



Lawrence E. Abelman

Stephen J. Quigley

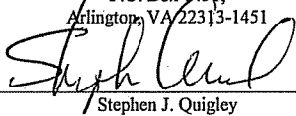
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Trademarks  
United States Patent and Trademark Office  
P.O. Box 1451,  
Arlington, VA 22313-1451

  
Stephen J. Quigley

Date: November 18, 2004